

REMARKS

Claims 1-13 are pending. Reconsideration and allowance based on the comments below are respectfully requested.

The Examiner rejects claims 1-5, 7-11 and 13 under 35 U.S.C. §103(a) as being unpatentable over Britt, Jr. (2002/0032785) in view of Whitledge, et al. (US 6,925,595) and claims 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over Britt, Whitledge and applicants admitted prior art. These are rejections are respectfully traversed.

Britt teaches a system for providing access to a server via a wireless computing device. In Britt's system, a portal server 110 is in communication with other network servers 130. A conversion module 920 is included within each portal server 110 and performs the conversion of data prior to sending the data to the other network servers. See paragraphs 34 and 35. Thus, Britt provides a system in which communication is directly performed through portal servers and conversion is performed directly at each portal server prior to distribution of the data.

As shown in Fig. 1, a system of Britt is constructed by a server 130 and a client 150 in order to present a client-server based architecture. See paragraph 16. The network server results in the client-server based architecture as an element having a function to connect between the server and the client.

Further, as shown in Fig. 3, the system is constructed by a portal server 110 and Internet site 130, which are associated with a wireless computing device 150. The Internet site 130 performs processing as an access point for the wireless computing device 150. See paragraph 33. Thus, the Internet site merely connects between the portal sever and the wireless computing device 150, it merely presents the client-server based architecture of Fig. 1. It is further

described in paragraph 33 that the portal server 110 includes a content conversion module 920 and that the portal server carries out the conversion processing.

Whitledge teaches a system for content conversion of electronic data using data mining. Data elements are selected and are then converted in a suitable format for displaying on a user device. In Whitledge, a proxy server 14 requests documents from the network device 12. A content server 16 performs conversion of the documents to a suitable format for the network device 12. The proxy server 14 then sends the converted data back to the network device 12. See Fig. 1, columns 6, lines 31-62.

In Fig. 3 of Whitledge, a system is constructed by a network device 12 and a proxy server (and optional ADMIN server and network device 40). The ADMIN server is optional as shown in column 9 of Whitledge, which states “an optional administrative server 42 is a server used to modify configuration files used by the proxy server 14.” The ADMIN server carries out modification of configuration of files used by the proxy server. Further, it is described that the proxy server requests the original electronic document from the network device 12. In addition, it is described in column 6, that “the content converter 16 can also be integral to proxy server 14.” Thus, the content converter 16 is regarded as an element that is added to the proxy server. Also, as shown in column 6, the content converter 16 is a software component. Therefore, the system of Whitledge is actually constructed by a network device 12 and a proxy server.

Applicant respectfully submits that neither Britt nor Whitledge teach or suggest, *inter alia*, a conversion/formatting server disposed in a communication link between a content server and one or more portal servers, for converting content information which the conversion/formatting server has acquired from the content server into exchangeable contents information in a predetermined format...formatting the exchanging contents information...into

displayable contents information suitable for display on the communication terminal equipment in response to a request from one or more portal servers, and transmitting the formatted contents information to one or more of the one or more portal servers, as recited in claim 1.

Applicants respectfully submit that Britt teaches each portal server including a conversion module therein wherein conversion is performed at the portal server itself. Nowhere in Britt does it teach a separate conversion/formatting server for communicating with the portal servers and a content server. Further, Whitledge teaches a content server which performs conversion of documents received from a user device via a proxy server and forwards this data to the proxy server which then forwards the data to the users device. Essentially, Whitledge teaches a content server which also performs the operation of converting data. Whitledge does not teach a separate conversion/formatting server as claimed by applicant. Applicant's conversion/formatting server is separate from the content server and the portal servers. This alone precludes Whitledge teaching from being used to teach applicant's claimed conversion server. Thus, Whitledge does not teach or suggest a conversion/formatting server connected to a separate content server or to one or more portal servers nor does it suggest implementing the content server in such a manner.

Therefore, applicants respectfully submit that each of the claimed elements are not taught by the combination of Britt or Whitledge.

The Examiner agrees in the Office Action that Britt fails to teach the use of a separate conversion server as claimed by applicants. The Examiner, however, alleges that Whitledge provides the teaching of a conversion server as claimed and states that motivation to combine Whitledge's teachings with Britt's system is found in Britt, paragraph 51 which states "alternative embodiments of the invention may include numerous different servers (eg, database

servers, web servers, etc.), and/or mirrored servers distributed across the network.” The Examiner further states that it would have been obvious to one of ordinary skill “to combine the system of Britt with the individual network device of Whitledge. Motivation to do so would have been to quicken response time by adding another server and allowing the servers to work as a multiprocessing system.” See page 3 of the Office Action. Applicant strongly disagrees with the Examiner’s assertion for combining the teachings of Whitledge and Britt to achieve applicant’s invention.

Applicants submit that Britt teaches conversion of data within the portals themselves. This is similar to the prior art discussed in applicant’s background section. The Examiner relies upon the statement that Britt’s system may include numerous different servers to suggest that Britt’s system would and could include a conversion server as claimed by applicant. The Examiner’s assertion, however, is not founded on the facts presented in Britt and Whitledge.

As noted above, the statement at paragraph 51 states “alternative embodiments of the invention may include numerous different servers (e.g. database servers, web servers, etc.).” This statements suggests that other servers could be included in the system, not that servers already making up the core infrastructure can be modified. This statement also suggests that Britt’s current network system is unchanged and that other servers may be added (included) to Britt’s current core system. In short, it does not teach or suggest modifying the portal servers themselves, therefore the portal servers in Britt’s system retain their conversion operation. Further, it suggests including servers that perform different functions from that of the current servers in Britt’s system, e.g. database servers, web servers, etc. One of ordinary skill would not look to Britt’s system and suggest adding the content server of Whitledge which also performs

conversion operations and include the content server of Whitledge in Britt's system in which conversion is already performed by the portal servers.

Further, contrary to the Examiner's suggested motivation "to quicken response time by adding another server and allowing the servers to unite as a multi processing system," the addition of a second conversion server with Britt's system would be redundant, slow down the system operation and simply be unnecessary. As stated in the MPEP §2143.01, if the proposed modification or combination of the prior art would change the principal of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obviousness. *In re Ratti*, 270 F.2d 810, 123 USPQ, 349 (CCPA 1959). The Examiner has failed to address the merits of this requirement and instead has merely relied on a conclusory statement in Britt that other servers may be added to Britt's system. The statement in Britt, however, does not suggest modifying Britt's system in its principal operation when adding other servers. Furthermore, it does not suggest providing redundant operations such as conversion of data which is already performed in Britt's fundamental system.

Applicant respectfully submits that paragraph 51 of Britt does not state how servers are to be used, where they are to be implemented, why they would be implemented, why a conversion server is necessary when conversion is already performed at the portal servers, nor does it suggest any of the above. In the instant rejection, the Examiner lacks any motivation to combine the teachings of the Whitledge reference with those of Britt. When making such a combination, a substantial modification and functionality of Britt's system necessarily needs to be made. One of ordinary skill in the art would not be inclined to make such a modification based on the teachings within Britt and Whitledge. Indeed, the modification proposed by the Examiner

creates numerous to technical difficulties which would not be readily resolved. Consequently, no *prima facie* case is made and the combination can not fairly be made.

Note that the mere fact that the references can be modified, does not render the results in combination obvious unless the prior art suggests the desirability of the combination. *In Re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). Certainly nothing within the references suggest or motivates the modification proposed by the Examiner.

Applicant respectfully submits that the only motivation to combine the teachings would be based purely on hindsight to applicant's disclosure. The references Britt and Whitledge do not teach or suggest modifying Britt's system to include Whitledges content server. When viewed without reference to applicant's disclosure, one of ordinary skill is not motivated to combine the teachings, especially in light of Britt's performance of conversion within the portal servers and Whitledge's performance of conversion within the content server. Applicant reminds the Examiner that obviousness cannot be established by hindsight combination to produce the claimed invention. *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). It is the prior art itself and not the applicant's achievement that must establish the obviousness of the combination. Applicant respectfully submits that without reference to applicant's disclosure, one of ordinary skill would not conclude from Britt's and Whitledge teachings to remove all conversion modules from every portal server within Britt, create a new conversion server, connect the conversion server to a separate content server and to each of the plurality of portal servers in the manner claimed by applicant.

Therefore, in view of the above, applicant respectfully submits that the combination of Britt and Whitledge fail to teach each and every feature of applicant's independent claim 1 as required. Further, motivation to combine the teachings is not present within either Britt,

Whitledge or by one of ordinary skill in the art, let alone to achieve applicant's invention. Further, applicant's admitted prior art fails to make up for the deficiencies of Britt and Whitledge. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

In view of the above, applicants respectfully submit that claims 1-13 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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